



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Request from LaVerne Walth for Modification of Sewer Connection Fee Requirements

MEETING DATE: February 20, 1991

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council discuss and take the appropriate action.

BACKGROUND INFORMATION: Attached is a letter from LaVerne Walth which the City Council received as a communication at their last meeting and directed to staff. This letter is a request to transfer a sewage connection allocation from her existing location at 28 North School Street to a proposed new location at 116 North School Street.

LaVerne Walth came to the Building Department to confirm the process for applying for a building permit at her new proposed location at 116 North School Street. She did not have a plan but shared with the Building Official that there would be seating for approximately 60 and that the establishment would be a restaurant-type eating place with no take-out. Based on a seating capacity of 60, she would have to pay for 6 connection fee units minus any applicable units that would have already been allocated to 116 North School Street. There is presently a plumbing supply business at 116 North School and it is our understanding that they will be remaining in a portion of the building. Since they have only been allocated one connection fee unit and will be staying in the building, this unit cannot be used by LaVerne Walth. If LaVerne Walth were to move into a building which previously housed a restaurant of 60 seats or more, there would possibly be no connection fee charged.

Attached is recently adopted Resolution 91-4 which shows the current charges and fees along with units of measure for different commercial and industrial uses. Approximately two years ago, we reevaluated and adjusted the units of measure for these types of users. LaVerne Walth's proposed business as described falls under "Eating places, seating only". When this category was evaluated two years ago, we had approximately five businesses within the City of Lodi of this type. Calculating from actual water usage, it was determined that the ten seats per sewage service unit was still appropriate. The present connection fee per sewage service unit is \$2,099.

Our present sewer ordinance does not provide for a transfer of a connection fee allocation from one location to another. We have, at the staff level, given consideration to the fact that under extraordinary circumstances there may be need for this. If a firm as Pacific Coast Producers (PCP) would want to move from South Stockton Street to another location within the City, it may be reasonable to

APPROVED:

THOMAS A. PETERSON
City Manager

CSEWER6/TXTW.02M (CO.COM)

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LaVerne Walth
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consider a transfer. We would probably not allow a similar use back into the present PCP location due to the demands this would put on our water and industrial sewer system. It was our feeling that these special cases should be brought to the City Council for determination.

In the case of a restaurant moving from location A to location B, it is certainly reasonable that another restaurant could move into location A. It is our feeling that the property owner owns the sewer connection allocation and not the renter. If the ordinance was to be changed to allow for a transfer of sewer connection allocations, it would be our position that this could not be done without the approval of the property owner. In this case, it would be the owner of 28 North School Street. City staff has made contact with the owner, Mr. Paul Tsampis, and the reason that he bought the building at 28 North School Street was to put in a hofbrau-type eating establishment. Mr. Tsampis was adamant that he was not interested in allowing any transfer of his connection fee allocation.

Based on the existing sewer ordinance, if LaVerne Walth wants to move into 116 North School Street and develop a restaurant as described to the Building Department, her fee would be 6 units X \$2,099 or \$12,594. The ordinance, under Section 13.12.215B, does provide for a connection fee adjustment after one full year of operating data is available. The user may request the Public Works Director to make an adjustment. An adjustment will be made only if a significant variation exists between the estimated and the actual unit of measure or wastewater quantity. Increases in connection fees will be due and payable on demand. Decreases will be credited to the user's account.

Without a modification to the existing ordinance, it appears that LaVerne Walth has two choices if she wants to stay in the downtown area:

1. Find a vacant building where there is a present connection fee allotment similar to what she would be charged for a new business; thereby, she would be charged nothing or just the difference between the present allotment and her new required connection fee.
2. Pay the connection fee. When one full year of operating data is available, LaVerne Walth may request the Public Works Director to make an adjustment. Depending on actual water usage or units of measure, the adjustment could be an increase or a decrease.

FUNDING: Not applicable



Jack L. Ronsko
Public Works Director

JLR/mt
Attachments
cc: City Attorney
LaVerne Walth, Corner Pie Shop
Paul Tsampis

RECEIVED
CITY MANAGER'S OFFICE
JAN 22 '91
JAN 22 AM 10 15
ALICE H. BENDIS
CITY CLERK
CITY OF LODI

La Verne Walth
Corner Pie Shop
28 N School Street
Lodi, CA 95240
209-369-3533

Mayor David Hinchman
P.O. Box 3006
Lodi, CA 95241-1910

Dear Mayor Hinchman:

I am the owner of the Corner Pie Shop located at 28 N School Street, Lodi, California, which I opened 16 years ago. My present landlord sold the building I have occupied and I have to move within 30 days into a new location. At the present I am looking into '16 N School Street as a location, in order to stay in the downtown area to service my clientele.

In the process of applying for a building permit I was notified that there was a new sewage hook-up fee and it would cost me \$1,825.00 per 10 people- which is one unit. I would be needing 6 units at the cost of \$10,950.00 for the sewage hook-up fee.

Basically I'm using the same sewage system, therefore I feel I have earned some of these credit or units to take with me to my new location. I'm hoping that you, with the help of the City Council can help me.

I am trying to help keep downtown alive.

Sincerely,

La Verne L. Walth
La Verne Walth
Owner/Corner Pie Shop

RESOLUTION NO. 91-4

SEWER CHARGES AND FEES

WHEREAS, the City Council has adopted Chapter 13.12 of the Lodi City Code, entitled "Sewer Service", which provides the method of establishing charges and fees for sewer service, sewer connections, holding tank wastes, and the use of the storm drain system; and

WHEREAS, the City Council desires to provide current and equitable sewer charges and fees;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi:

- 1) That the following sewer charges and fees be established and implemented February 1, 1991:

DOMESTIC SYSTEM

A. Residential

1. Sewer Service Charge

<u>Number of Bedrooms</u>	<u>Monthly Rate</u>
1	\$5.34
2	\$7.12
3	\$8.90
4	\$10.68
5	\$12.46
6	\$14.24
7	\$16.02

2. Connection Fee

<u>Number of Bedrooms</u>	<u>Fee</u>
1	\$1,574.25
2	\$2,099.00
3	\$2,623.75
4	\$3,148.50
5	\$3,673.25
6	\$4,198.00
7	\$4,722.75

The Connection Fee is \$2,099.00 per unit*.

*"Unit": Sewage Service Unit, defined as each increment of flow of a typical two-bedroom residence (206 gallons per day and having BOD and SS strengths of less than 300 milligrams per liter). Units for residential, commercial, and industrial users are shown in Section 13.12.180.

B. Commercial

- | | |
|--------------------------|---------------------------|
| 1. Annual Sewage Service | \$85.42 per unit per year |
| 2. Connection Fee | \$2,099.00 per unit |

C. Industrial

1. Annual Sewage Service

Moderate Strength User \$85.42 per unit per year

High Strength User

<u>Unit Item</u>	<u>Unit Charge</u>
Flow - MG	\$411.02 per MG
BOD - 1,000 lbs.	\$201.14 per 1,000 lbs.
SS - 1,000 lbs.	\$164.42 per 1,000 lbs.

2. Connection Fee

Moderate Strength User \$2,099.00 per unit

High Strength User

<u>Unit Item (per year)</u>	<u>Unit Charge</u>
Flow - MG	\$11,192.96 per MG
BOD - 1,000 lbs.	\$ 4,610.56 per 1,000 lbs.
SS - 1,000 lbs.	\$ 2,076.43 per 1,000 lbs.

INDUSTRIAL SYSTEM

A. Annual Sewage Service

<u>Unit Item</u>	<u>Unit Charge</u>
Flow - MG	To be determined annually by the Public Works Director as outlined in Section 13.12.200 of the Lodi Municipal Code
BOD - 1,000 lbs.	

B. Connection Fee

To be determined annually by the
Public Works Director as outlined
in Section 13.12.210 of the Lodi
Municipal Code

HOLDING TANK WASTES

A. Dumping Charge \$62.96 per 1,000 gal.

STORM DRAIN SYSTEM

A. Storm Drain Disposal Charge \$66.13 per MG

- 2) Commercial and industrial user sewage service charges will be based on the number of sewage service units assigned to each user. The units of measure for determining the number of sewage service units assigned to each user are as follows:

<u>User Description</u>	<u>Unit of Measure</u>
1. Meeting place, religious	Each 200 seats
2. Meeting place, public	Each 100 seats
3. Hotel, motel without kitchenettes	Each 3 beds
4. Hotel, motel with kitchenettes	Each unit
5. Veterinary clinic	Each 4 employees
6. Post office	Each 15 employees
7. Funeral parlor	Each 3 employees
8. Service station with service garages	Each 2.5 pumps
9. Service station without service garages	Each 7 pumps
10. Car wash, automatic bays	20 SSUs per bay
11. Car wash, self-serve bays	2 SSUs per bay
12. School, 8th grade and below	Each 20 students
13. High school	Each 15 students
14. Eating place, seating only	Each 10 seats
15. Eating place, seating and take-out	Each 7 seats
16. Eating place, "pizza parlor"	Each 35 seats
17. Eating place, take-out only	Each 5 employees
18. Lunch truck business	Each 5 employees
19. Laundry, coin-op., reg. mach.	Each 1.5 machines
20. Laundry, coin-op., big mach.	Each machine
21. Comm. laundry and dry cleaning	Each 3 employees
22. Dentist's office	Each 5 employees
23. Office, store, warehouse, manufacturer, Doctor's, Chiropractor's, and X-ray offices	Each 8 employees
24. Grocery store, supermarket (having vegetable/fruit or butcher/meat sections)	Each 4 employees
25. Bar	Each 20 seats
26. Barber, beauty shop	Each 3 workstations

- | | |
|---------------------------------|----------------|
| 27. Hospital, convalescent home | Each 3 beds |
| 28. Rest and retirement home | Each 3 beds |
| 29. Mobile home park | Each 1.33 pads |
| 30. RV dump station | Each station |

One sewage service unit shall be assigned to each unit of measure. Fees shall be based on nearest one-tenth sewage service unit except minimum number of sewage service units shall be 1.0.

Dated: January 2, 1991

I hereby certify that Resolution No. 91-4 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 2, 1991, by the following vote:

Ayes: Councilmembers - Pinkerton, Pennino, Sieglock, Snider and Hinchman (Mayor)

Noes: Councilmembers - None

Absent: Councilmembers - None

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

The Foregoing Document Is Certified
To Be A Correct Copy Of The Original
On File In This Office.

Jennifer M. Perrin
Deputy City Clerk, City Of Lodi

By *Jennifer M. Perrin*
Dated: 1/4/91

2/20 J/4

CITY COUNCIL

DAVID M. HINCHMAN, Mayor
JAMES W. PINKERTON, Jr.
Mayor Pro Tempore
PHILLIP A. PENNINO
JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

February 13, 1991

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

BOB McNATT
City Attorney

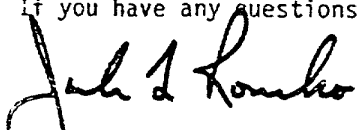
SUBJECT: Request from LaVerne Walth for Modification of Sewer Connection
Fee Requirements

Dear Property Owner/Resident:

Enclosed is a copy of background information on an item that will be discussed at the City Council meeting on Wednesday, February 20, 1991, at 7:30 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street. You are welcome to attend.

If you wish to communicate with the City Council, please contact Alice Reimche, City Clerk, at (209) 333-6702.

If you have any questions about the item, please call me at (209) 333-6706.


Jack L. Ronsko
Public Works Director

JLR/mt

Enclosure

cc: City Clerk

LSEWER/TXTW.02M